

REMARKS

In response to a restriction requirement, the Applicant has previously elected claim 1-5 of the present application and canceled the remaining claims.

The Examiner rejected claims 1-4 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Abecassis, U.S. Patent No. 6,553,178 and Goldhaber, et al., U.S. Patent No. 5,794,210. The Examiner contends that Abecassis discloses a method having the steps of providing a user preference description that describes multiple preferences of a user with respect to the viewing of video, and provides a protection attribute with respect to at least one of the preferences. The Examiner acknowledges that Abecassis fails to disclose the claimed limitation of indicating whether one of the preferences is considered public or private. The Examiner contends, however, that Goldhaber discloses this limitation and that it would be obvious to combine the teachings of the two references to obtain the system disclosed in claims 1-4. The Examiner's rejection is improper, as the respective teachings of Abecassis and Goldhaber are not combinable in the manner that the Examiner suggests.

The teachings of Abecassis and Goldhaber are completely unrelated. Abecassis, and in particular the portions of that reference cited by the Examiner at col. 16 lines 34-36 and col. 17 lines 46-49, pertain to the customized receipt of video-on-demand services where multiple family members may set their own content preferences by which streamed video may be edited when downloaded. For example, if one family member chooses to filter violence, a downloaded video will not include any scenes identified as containing violence. *See Abecassis at col. 3 lines 12-27.* As noted by the Examiner, the system of Abecassis includes password protection of the interactive display by which a family member's preferences may be set or altered. Certainly, Abecassis discloses no need for public availability of the password, which would render it useless. Furthermore, because the system of Abecassis provides for the automated editing of video content that is (1) individually selected by a user and (2) already segmented into scenes having uniform content identifiers by which the video may be edited in accordance with a user's profile settings (i.e., each scene in a video is tagged for violence level, nudity level, etc. – see FIG. 4E and col. 3 lines 34-49), Abecassis discloses no need for the public availability of any of a user's preferences, either.

In contrast, Goldhaber discloses a system where internet users may volunteer for advertisements being “pushed” upon them in exchange for a fee. In that system, there is a distinct trade-off of advantages/disadvantages to making personal preferences publicly available or keeping them private, respectively. Making preferences public better enables advertisers to select desired content that is “pushed” on the user, at the expense of privacy. Conversely, keeping preferences private maintains privacy, but makes the pushed advertisements more generic and less interesting. *See* Goldhaber at col. 14 lines 8-10. Nothing in Goldhaber suggests any desirability in making personal content preferences publicly available absent a “push”-type content delivery system. In other words, without the need for advertisers or other content providers to select the content being delivered to an individual user, there is no need for those content providers to know what the user’s preferences are.

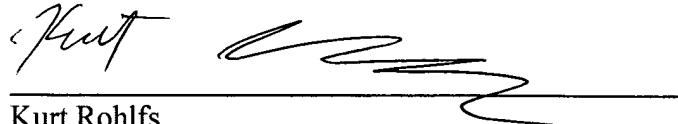
Aside from a conclusory assertion that it would be obvious to combine the teachings of the two cited references, the Examiner provides no explanation as to why a person of ordinary skill in the art would want to modify the system of Abecassis to permit a user to selectively identify user video-on-demand preferences as being public or private. What, for example, would be the benefit of allowing a video-on-demand user to select whether their preference for the violence content of downloaded video is publicly available or privately kept? The Applicant cannot think of such an advantage, the cited prior art does not disclose such an advantage, and the Examiner has not provided one. Absent such a motive, found in the prior art, the Examiner’s rejection should be withdrawn. *See* MPEP § 2143.01 (“The mere fact that references can be combined does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination”); *see also* MPEP § 2142 (“When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper.”).

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being obvious in view of the aforementioned combination of Abecassis and Goldhaber, and in further view of Oliver, U.S. Patent App. Pub. No. US 20020133412A1. As argued previously, Abecassis may not be combined with Goldhaber, hence the rejection of claim 5 should be withdrawn, as well.

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In view of the foregoing remarks, reconsideration and allowance of claims 1-5 is respectfully requested.

Respectfully submitted,



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